

of the Senate, was this day presented to the Governor for his approval.

A bill to incorporate the several counties in this State which now exist or may hereafter be established; read 1st time.

A bill to provide for the registration of deeds or other instruments of writing; read 1st time.

A bill for the relief of jurors; read 1st time.

A bill to regulate proceedings in cases of forcible entry and detainer; read 1st time.

A bill to authorize the County Court of Brazoria county to have a duplicate made of the record book of Deeds &c.; read 1st time—rule suspended, and referred to select committee, composed of Senators McNeel, Burleson and McKinney.

Senator Jewett, chairman of committee of Conference, on the bill regulating the manner of running county lines, reported that the committee recommended the following amendment to 1st section.

*Provided*, In all instances, that every line run as above directed, shall be made in conformity with existing laws creating or defining said county's boundaries.

Adopted.

Senator McKinney introduced the memorial of A. J. Yates, praying the passage of a bill for his relief; read 1st time—rule suspended, and referred to committee on Public Lands.

Senate adjourned, until to-morrow, 9 o'clock A. M.

SENATE CHAMBER, }  
TUESDAY, May 5th, 1846. }  
9 O'CLOCK A. M.

Senate met, pursuant to adjournment—roll called, and a quorum present.

Journals of the preceding day, read and adopted.

A message was received from the Governor in writing, which was made the special order for to-morrow, 1 o'clock, P. M.

Senator McKinney presented the following protest, which was ordered to be spread on the journals:

The undersigned begs leave to spread upon the Journals of the Senate, why he cast his vote on yesterday, against the pas-

sage of a bill entitled an act to prescribe the manner in which stock certificates of the consolidated funded debt of the Republic of Texas shall be transferred.

The undersigned deems any attempt to render difficult or impracticable the transfer of that fund, a breach of good faith, and a denial of justice to parties holding such fund. The undersigned can readily find an excuse for any failure on the part of the Government to meet her just liabilities, when such a failure is the result of inability to pay; but when such failure is accompanied by legislative action to render difficult the use of such fund, or impossible to transfer, it amounts to gross injustice, and is repudiation in effect. That law attempts to create new conditions which were not attached to the stock by or under the law creating it, and is therefore a violation of the Constitution of the State. An individual would not under the laws of the land be permitted to do what is attempted by the law referred to, and the undersigned is clearly of opinion, that which is censurable in an individual cannot be justified in a Government.

THOS. F. McKINNEY.

A message from the House, informing the Senate of the passage of the following bills, to wit :

Bill to provide for the issuing of patents to assignees of legal land certificates ; read 1st time.

Bill to regulate the practice of Attorneys and Counsellors at law ; read 1st time.

Bill locating the county seat of Leon county ; read 1st time.

Bill to provide for the election of officers of Dallas county ; read 1st time.

Bill to authorize the Secretary of State to exchange the literary works of the State for those of other countries ; read 1st time—rule suspended—read 2nd time, and referred to committee on Affairs of State.

Bill making an appropriation to enable the Governor to send despatches for the better protection of the frontier ; read 1st time—rule suspended—read 2nd time—rule further suspended, read 3rd time and bill passed.

Senator McKinney, chairman of the committee, on Internal Improvements, made the following report :

COMMITTEE ROOM, }  
May 5th, 1846. }

*Honorable A. C. Horton,*

*President of the Senate :*

The committee on Internal Improvements, having given the subject due consideration, beg leave to report, that in the opinion of your committee, any action on the part of the State towards Internal Improvement would be premature. That they deem the connection of the Sabine with the Rio Grande by internal navigation, a subject worthy the consideration of our Senators and Representatives in Congress, and that such a work would be, in a point of national defence, of incalculable value, and a work easy to accomplish, nature having almost accomplished the work by a chain of bays and lakes extending along the entire coast, from the Sabine to the Rio Grande.

The building of light-houses on our coast is a subject worthy the consideration of our Senators and Representatives in Congress, and will, your committee have no doubt, occupy their attention, and will need no prompting by any action of the Legislature.

THOS. F. McKINNEY,  
*Chairman.*

A message from the House, informing the Senate, that the House had adopted the report of the committee of Conference, on the bill organizing County Courts.

Also on the bill regulating appeals to the Supreme Court in criminal cases.

And had adopted the amendments of the Senate to a bill requiring the Commissioner of the General Land Office, to issue patents in the name and by the authority of the State of Texas.

Also, had adopted the substitute of the Senate to the bill requiring the county surveyor of Liberty county, to furnish the county surveyor of Tyler county, with a map of the surveyed lands in the county of Tyler.

Senator McNeel, chairman of the committee on Engrossed bills, reported the correct engrossment of—

A bill appropriating an office to the Clerk of the Supreme Court.

A bill to suspend the further introduction of emigrants into the colonies, under contracts made with the late Republic of Texas.

Senator Wallace, one of the committee on Public Lands, to whom was referred a bill to provide for the loss of field notes of surveys, reported a substitute for the original bill, and recommended its passage.

Substitute adopted.

Senator Phillips, chairman of the committee on the Judiciary, to whom was referred a bill for the regulation of limited partnerships, reported an amendment and recommended the passage of the bill.

In section 5th, 3rd line, strike out the words "a justice of the peace;" adopted.

Also, to whom was referred a bill to authorize the appointment of Commissioners to take acknowledgment of deeds or other instruments of writing, executed out of this State; reported amendments and recommended the passage of the bill.

3rd section, 4th line, strike out the words "a justice of the peace" and insert "before the Clerk of any Court of record."

3rd section, 9th line, after the words "oath or affirmation" insert "certified to by said clerk under his hand and seal of office."

Strike out the 4th section and insert the following as a substitute, to wit:

*Be it further enacted.* That every commissioner appointed under this act, shall have power and authority to take depositions under a commission issued to him according to law, from any Court in this State, to be used as evidence in any cause pending in a Court of the same, when returned as prescribed by law.

Adopted.

Also to whom was referred a bill to organize the District Courts, and to define their powers and jurisdiction, received from the House as a substitute for part of the Senate's bill on the same subject; recommended its passage.

Senator Grimes, chairman of the committee on Finance, to whom was referred a bill providing for the liquidation and adjustment of the public debt, recommended the passage of the bill with the following amendment:

Insert in 1st section, the words "auditor and" before "comptroller."

Senator McNeel, chairman of the committee on Enrolled bills, reported the correct enrollment of—

A bill authorizing and requiring the Commissioner of the General Land Office, to issue patents to claimants, on land lying in two or more counties.

A bill prescribing the manner in which stock certificates of the consolidated fund of the Republic of Texas may be transferred.

And after being signed by the Speaker of the House and President of the Senate, were this day presented to the Governor for his approval.

Senator Bagby, chairman of the Select committee, to whom was referred a bill to prohibit free negroes from settling in this State, reported that the committee are of opinion that an act upon the same subject passed in 184— makes ample provision, and therefore recommended the rejection of the bill.

Report adopted.

Senator Brashear, chairman of the Select committee to whom was referred a bill requiring the county of La Vaca to pay a portion of the debt of Colorado county, reported the bill back to the Senate, and recommended its passage.

Report adopted.

Senator Grimes introduced a bill to authorize the Comptroller of Public Accounts to close the customs and other revenue business under the late Republic of Texas.

Read 1st time—rule suspended—read 2nd time—rule further suspended—read 3rd time and passed.

Senator McNeel moved a reconsideration of the vote passing the bill.

Carried, and on motion, the bill was referred to the Judiciary committee.

On motion of Senator Parker, the Senate proceeded to the

### ORDERS OF THE DAY.

Bill to authorize the opening of a Turnpike road from Houston to Brenham ; passed to 3rd reading.

Bill appropriating an office to the Clerk of the Supreme Court ; read 3rd time and passed.

Bill to suspend the further introduction of emigrants into the colonies, under contracts made with the Presidents of the late Republic ; made the special order for 3 o'clock.

Senator Phillips offered the following resolution :

*Resolved*, That the Secretary obtain from the State Department a copy of the contracts and all modifications of such contracts, intended to be affected by the bill under consideration.

Yeas and nays on its adoption, stood thus :

Yeas. Senators, Brashear, Grimes, Navarro, Phillips and Wallace—5.

*Nays.* Senators, Bagby, Bourland, Burleson, Jewett, McNeel, Miller, Parker, Robinson and Williams—9.

A bill to provide a method of ascertaining when lands have been forfeited to the State, being the special order of the day.

On motion of Senator Bourland there was a call of the Senate.

Roll called—further call suspended, and bill made special order for 3 o'clock, p. m.

Bill for the relief of John Hemphill and R. E. B. Baylor; read 2nd time.

Senator Wallace moved to insert the name of G. W. Terrel. Carried.

Senator McNeel moved to lay the bill on the table, until the fourth day of July next.

*Yeas.* Senators, Brashear, Grimes, McKinney, McNeel, Miller, Robinson and Wallace—7.

*Nays.* Senators, Bourland, Burleson, Jewett, Navarro, Phillips, Parker and Williams—7.

Therebeing a tie the President voted in the affirmative; so the motion carried.

A bill for the relief of petit jurors; read 2nd time and referred to the committee on Finance.

Senator McNeel, chairman of the Select committee to whom was referred a bill to authorize the County Court of Brazoria county, to have a duplicate made of the record book of deeds &c., reported the same back to the Senate and recommended its passage.

A bill to incorporate the several counties in the State which now exist or may hereafter be established; read 2nd time and passed to 3rd reading.

A bill to regulate proceedings in forcible entry and detainer; read 2nd time and referred to Judiciary committee.

Bill to provide a method of ascertaining when lands have been forfeited to the State, being the special order.

After considerable debate, the yeas and nays were called for on the postponement of the bill until the next session of the Legislature, and stood thus:

*Yeas.* Senators, Brashear, Burleson, Grimes, McKinney, McNeel, Navarro, Phillips and Williamson—8.

*Nays.* Senators, Bagby, Bourland, Jewett, Parker, Wallace and Williams—7.

Carried.

Senator Burleson introduced a joint resolution, authorizing

the Governor to appoint the field and staff officers of the volunteer army of the State of Texas.

Read first time—rule suspended—read 2nd time—rule further suspended—read 3rd time and passed.

A message from the House, informing the Senate of the concurrence of the House in the Senate's amendments, to a bill regulating the office of County Treasurer, and a bill requiring the Commissioner of the General Land Office, to issue patents on unconditional head right certificates for land.

A bill to suspend the further introduction of emigrants into the colonies, under contracts made with the Presidents of the Republic of Texas, being the special order of the day.

On motion of Senator Jewett, there was a call of the Senate.

Roll called—further call suspended; bill read 3rd time and yeas and nays on its passage stood thus.

*Yeas.* Senators, Bagby, Bourland, Burleson, Jewett, McKinney, McNeel, Miller, Parker, Williams and Williamson—10.

*Nays.* Senators, Brashear, Grimes, Navarro, Phillips and Wallace—5.

Carried and bill passed.

On motion of Senator McKinney, the bill authorizing the County Court of Brazoria county to have made a duplicate record book of deeds, &c., was taken up; read 3rd time and passed.

A message was received from the House, transmitting a joint resolution authorizing the Governor to take command in person of all the troops raised and mustered into service by order of the General Government, according to the constitution and laws.

Read 1st time—rule suspended—read 2nd time—rule further suspended; read 3rd time and passed.

On motion of Senator Burleson, a bill for the relief of the heirs of John G. Welchmeyer was taken up and placed among the orders of the day.

On motion of Senator Parker, a bill ceding to the United States, jurisdiction over all forts and arsenals, was taken up and placed among the orders of the day.

On motion of Senator Navarro, the bill for the liquidation and adjustment of the public debt, was made the special order for to-morrow.

Senator Williams, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom were re-

ferred the vouchers of Joseph Cassiano, have examined the same, and find them consisting of Quarter Master's receipts for supplies furnished troops at Bexar, in the year 1842; that some of these vouchers are approved by Wm. G. Cooke, Quarter Master General, and the remainder by officers commanding. Yet the committee are unwilling to undertake the settlement on this account, inasmuch as the Adjutant General is now in possession of all the records of the late War Department, and will be better able to attend to such cases. Owing to the want of funds, the committee could not recommend appropriations for the payment of this class of claims, they therefore return the papers and ask to be discharged from the further consideration of the same.

Laid on the table.

Senate adjourned upon Senator Jewett's motion, until tomorrow 9 o'clock, A. M.

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SENATE CHAMBER, }  
 WEDNESDAY, May 6th, 1846. }  
 9 O'CLOCK A. M.

Senate met, pursuant to adjournment, roll called and a quorum present.

Journals of the preceding day were read and adopted.

Senator Phillips, chairman of the Judiciary committee, to whom was referred a bill to provide for the publication of the laws of the State, recommended the following amendments and the passage of the bill.

In 3rd section, strike out the words "Coroners" and "Constables" wherever they occur in the section.

Strike out the 4th section.

Adopted.

Also to whom was referred a bill to authorize the Comptroller and Auditor of Public Accounts, to make settlements with all persons having unsettled business with the late Republic of Texas, reported the following amendments and recommended the passage of the bill.

1st amendment, insert in the caption after the word "Comptroller," "and Auditor."

Insert in 1st section, 2nd line, before the word "Comptroller"